

**IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**SHERMAN DIVISION**

**DATE: 5/23/2022**

**DISTRICT JUDGE**  
**Amos L. Mazzant, III**

**COURT REPORTER: Chris Bickham**  
**COURTROOM DEPUTY: Keary Conrad**

Gibson Brands, Inc., a Delaware corporation	
v.	4:19CV358
Armadillo Distribution Enterprises, Inc., Concordia Investment Partners, LLC	
Does 1 through 10	

<b>ATTORNEYS FOR PLAINTIFF</b>	<b>ATTORNEYS FOR DEFENDANT</b>
Stephen Dale Howen, Andrea Bates, Kurt Schuettinger, Keith Slyter, Paralegal: Amanda Slyter	Vic Henry, Anna B. Naydonov, Douglas Rettew, Elyse McNamara, Patrick Rodgers and Emileigh Hubbard

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

<b>TIME:</b>	<b>MINUTES: Jury Trial - Day 6</b>
8:33:32 a.m.	Court in session. Court notes appearances.
8:33:35 a.m.	Objection sustained as to insurance. Plaintiffs counsel, offer of proof on that outside the presence of the jury.
8:34:05 a.m.	Jury seated.
8:34:45 a.m.	Witness, Evan Rubenson is reminded he is still under oath. Plaintiff's counsel, Stephen Howen continues cross examination of witness, Evan Rubenson.
8:39:13 a.m.	Plaintiff's counsel, Stephen Howen offers Plaintiff Exhibit 70. Objection to foundation and lack of personal knowledge. Court hears argument from counsel. Objection overruled. Plaintiff Exhibit 70 is admitted.
8:54:17 a.m.	Bench conference on Defendants objection.
8:56:17 a.m.	Bench conference concluded. Plaintiff's counsel, Stephen Howen continues cross examination of witness, Evan Rubenson.
9:00:11 a.m.	<b>[RECORD SEALED]</b>
9:07:40 a.m.	<b>[RECORD UNSEALED]</b>
9:12:18 a.m.	Plaintiff's counsel, Stephen Howen refers witness to Plaintiff Exhibit 51.

9:29:24 a.m.	Plaintiff's counsel, Stephen Howen moves for the admission of Plaintiff Exhibit 469. No objection. Plaintiff Exhibit 469 is admitted.
9:30:30 a.m.	Plaintiff's counsel, Stephen Howen refers witness to Plaintiff Exhibit 376 and 336.
9:40:14 a.m.	Jury excused for 15 minute break.
9:40:32 a.m.	Court recess for 15 minutes.
9:56:49 a.m.	Court re-convenes. Court inquires as to whether Plaintiff continues to seek unjust enrichment
9:58:08 a.m.	Jury seated.
9:58:15 a.m.	Plaintiff's counsel, Stephen Howen continues cross examination of witness, Evan Rubenson.
10:11:24 a.m.	Plaintiff's counsel, Stephen Howen moves for the admission of Plaintiff Exhibit 74. No objection. Plaintiff Exhibit 74 is admitted.
10:27:46 a.m.	Plaintiff's counsel, Stephen Howen moves for the admission of Plaintiff Exhibit 652. No objection. Plaintiff Exhibit 652 is admitted.
10:27:46 a.m.	Plaintiff's counsel, Stephen Howen moves for the admission of Plaintiff Exhibit 721. No objection. Plaintiff Exhibit 721 is admitted.
10:39:39 a.m.	<b>[RECORD SEALED]</b>
10:43:35 a.m.	Plaintiff's counsel, Stephen Howen moves for the admission of Plaintiff Exhibit 581. No objection. Plaintiff Exhibit 581 is admitted.
10:50:50 a.m.	Plaintiff's counsel, Stephen Howen moves for the admission of Plaintiff Exhibit 545. No objection. Plaintiff Exhibit 545 is admitted.
10:57:35 a.m.	<b>[RECORD UNSEALED]</b>
10:58:45 a.m.	Plaintiff's counsel, Stephen Howen moves for the admission of Plaintiff Exhibit 711. No objection. Plaintiff Exhibit 711 is admitted.
11:01:21 a.m.	Plaintiff's counsel, Stephen Howen moves for the admission of Plaintiff Exhibit 73. No objection. Plaintiff Exhibit 73 is admitted.
11:05:41 a.m.	Plaintiff's counsel, Stephen Howen moves for the admission of Plaintiff Exhibit 686. No objection. Plaintiff Exhibit 686 is admitted.
11:11:57 a.m.	Plaintiff's counsel, Stephen Howen moves for the admission of Plaintiff Exhibit 656. No objection. Plaintiff Exhibit 656 is admitted.
11:15:25 a.m.	Plaintiff's counsel, Stephen Howen moves for the admission of Plaintiff Exhibit 724. No objection. Plaintiff Exhibit 724 is admitted.

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11:59:20 a.m.	Jury excused for lunch.
12:03:40 p.m.	Court recess for lunch.
1:03:16 p.m.	Court re-convened. Jury seated.
1:03:16 p.m.	Bench conference at defense request.
1:06:30 p.m.	Plaintiff's counsel, Stephen Howen continues cross examination of witness, Evan Rubenson.
1:07:32 p.m.	Plaintiff's counsel, Stephen Howen moves for the admission of Plaintiff Exhibits 776, 777. No objection. Plaintiff Exhibits 776, 777 are admitted.
1:36:24 p.m.	Pass the witness.
1:36:47 p.m.	Defendant's counsel, Anna Naydonov begins re-direct examination of witness, Evan Rubenson.
1:38:36 p.m.	Defendant's counsel, Anna Naydonov refers witness to Plaintiff Exhibit 580.
1:40:51 p.m.	Defendant's counsel, Anna Naydonov offers DTX-1624. Objection hearsay and 403. Objection overruled. Defendant Exhibit 1624 is admitted.
1:52:54 a.m.	Defendant's counsel, Anna Naydonov offers Plaintiff Exhibit 334. No objection. Plaintiff Exhibit 334 is admitted.
1:57:50 p.m.	Defendant's counsel, Anna Naydonov refers witness to previously admitted Plaintiff Exhibit 12.
2:02:052 p.m.	Defendant's counsel, Anna Naydonov refers witness to previously admitted Plaintiff Exhibit 51.
2:06:41 p.m.	Defendant's counsel, Anna Naydonov refers witness to previously admitted Plaintiff Exhibit 469.
2:10:10 p.m.	Defendant's counsel, Anna Naydonov offers DTX 3378, 3370, 3366. No objection. Defendant Exhibits 3378, 3370, 3366 are admitted.
2:17:22 p.m.	Defendant's counsel, Anna Naydonov refers witness to previously admitted Plaintiff Exhibit 74.
2:21:52 p.m.	Defendant's counsel, Anna Naydonov offers DTX 336. No objection. Defendant Exhibit 336 is admitted.
2:22:35 p.m.	Defendant's counsel, Anna Naydonov refers witness to previously admitted Plaintiff Exhibit 652.
2:28:38 p.m.	Defendant's counsel, Anna Naydonov refers witness to previously admitted Plaintiff Exhibit 640.

2:30:46 p.m.	Defendant's counsel, Anna Naydonov refers witness to previously admitted Plaintiff Exhibit 545.
2:35:43 p.m.	Pass the witness. Plaintiff's counsel, Stephen Howen begins further re-cross examination of witness, Evan Rubenson.
2:42:35 p.m.	Plaintiff's counsel, Stephen Howen refers witness to Plaintiff Exhibit 137.
2:42:59 p.m.	Jury excused for break.
2:43:45 p.m.	Court recess for 15 minutes.
3:00:34 p.m.	Court re-convened. Jury seated.
3:01:05 p.m.	Plaintiff's counsel, Stephen Howen continues further re-cross examination of witness, Evan Rubenson.
3:02:29 p.m.	Plaintiff's counsel, Stephen Howen refers witness to Plaintiff Exhibit 12.
3:04:57 p.m.	Pass the witness. Court polls the jury for questions of the witness. Bench conference.
3:06:47 p.m.	Court asks questions of the witness from the jury.
3:07:35 p.m.	Witness excused.
3:07:43 p.m.	Defendant's counsel, Patrick Rodgers calls Josh Maloney. Witness placed under oath. Defendant's counsel, Patrick Rodgers begins direct examination of Josh Maloney.
3:23:50 p.m.	Defendant's counsel, Patrick Rodgers refers witness, Josh Maloney to previously admitted Defendant Exhibit 2142.
3:30:26 p.m.	Defendant's counsel, Patrick Rodgers refers witness, Josh Maloney to DTX 1509, 1495, 3963 and 1498.
3:33:35 p.m.	Defendant's counsel, Patrick Rodgers offers Defendant Exhibit 3319. Objection to true and accurate picture as to hearsay. Objection overruled. Defendant Exhibit 3319 is admitted.
4:16:48 p.m.	Defendant's counsel, Patrick Rodgers offers Defendant Exhibit 3785. No objection. Objection overruled. Defendant Exhibit 3785 is admitted.
4:26:31 p.m.	Pass the witness.
4:36:02 p.m.	Plaintiff's counsel, Kurt Schuettinger offers Plaintiff Exhibit 551. Objection no foundation.
4:38:08 p.m.	Court overrules objection. Plaintiff Exhibit 551 is admitted.
4:41:19 p.m.	Plaintiff's counsel, Kurt Schuettinger offers Plaintiff Exhibit 55. No objection. Plaintiff Exhibit 55 is admitted.

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4:44:21 p.m.	Plaintiff's counsel, Kurt Schuettinger offers Plaintiff Exhibit 712. No objection. Plaintiff Exhibit 712 is admitted.
4:47:03 p.m.	Plaintiff's counsel, Kurt Schuettinger offers Plaintiff Exhibit 663. No objection. Plaintiff Exhibit 663 is admitted.
4:51:12 p.m.	Plaintiff's counsel, Kurt Schuettinger offers Plaintiff Exhibit 658. No objection. Plaintiff Exhibit 658 is admitted.
4:53:55 p.m.	Plaintiff's counsel, Kurt Schuettinger offers Plaintiff Exhibit 661. No objection. Plaintiff Exhibit 661 is admitted.
5:00:28 p.m.	Jury excused.
5:01:12 p.m.	Plaintiff will do offer of proof Wednesday at 8:15 a.m. Defendants will file their order of proof.
5:02:23 p.m.	Court advises Parties that Court will stop around 4:30 tomorrow. Informal charge conference Wednesday after Court in Judge's chambers. Parties will review charge and provide feedback by noon Tuesday.
5:03 p.m.	Defendant's advise regarding Motion for Directed Verdict. Court will take that up on Wednesday after Plaintiffs order of proof.
5:04 p.m.	Parties discuss Agnesi videos and objections to the videos. Court hears argument from counsel. Defendant's counsel, Emileigh Hubbard will email an exemplar exhibit of the guitar of the day video to the Court for review.
5:10:46 p.m.	Jury excel form - they don't have a PDF where they can look at the sheet. Parties will confer regarding spreadsheet exhibits in excel v. pdf
5:11 p.m.	Court excused.
	<b>Plaintiff total used:</b> 18:23:30 <b>Defendant total used:</b> 14:21:05 <b>Total court time today:</b> 7:13
	<b>Plaintiff Exhibits Entered:</b> 55, 70, 73, 74, 334, 469, 545, 551, 553, 556, 580, 581, 640, 646, 650, 652, 656, 658, 661, 663, 675, 685, 686, 706, 707, 711, 712, 717, 721, 724, 735, 776, 777, <b>Defendant Exhibits Entered:</b> 336, 1498, 1509, 1624, 3319, 3366, 3370, 3378,

DAVID O'TOOLE, CLERK

 BY: Keary Conrad  
 Courtroom Deputy Clerk